

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Matthew James Hartman,

Case No. 1:18-cv-2196

Petitioner,

v.

ORDER

Medina County Sheriff's Office, *et al.*

Respondents.

Petitioner Matthew James Hartman has filed a motion for reconsideration of my opinion dismissing his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. No. 35).

Rule 60(b) provides that, “[o]n motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.”

Fed. R. Civ. P. 60(b).

A party “seeking relief under Rule 60(b) bears the burden of establishing the grounds for such relief by clear and convincing evidence.” *Info-Hold, Inc. v. Sound Merch., Inc.*, 538 F.3d 448, 454 (6th Cir. 2008).

Hartman has not presented an appropriate basis under Rule 60(b) for reconsideration of my earlier decision. Instead, he merely argues I erred in rejecting his grounds for relief. (*See* Doc. No. 35). This argument is one suitable for appeal, not for a Rule 60 motion. Therefore, I deny his motion.

Further, I reaffirm my certification that an appeal from this decision could not be taken in good faith and that there is no basis on which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge